

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

RYAN LEE,  
individually and for all others similarly situated,

Plaintiffs,

Case No. 1:22-cv-11958

v.

Honorable Thomas L. Ludington  
United States District Judge

PANERA BREAD COMPANY,

Honorable Patricia T. Morris  
United States Magistrate Judge

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING  
DEFENDANT’S MOTION TO DISMISS, AND DISMISSING CASE**

In this consumer-fraud case, Ryan Lee is suing Panera Bread under various state and federal laws because he is not getting unlimited drinks despite being in the Unlimited Sip Club. ECF No. 1. Defendant filed a motion to compel arbitration or to dismiss the case. ECF No. 4.

On March 6, 2023, Magistrate Judge Patricia T. Morris issued a report recommending that the case be dismissed without prejudice. ECF No. 13. Judge Morris provided 14 days to object, but the parties did not file any objections. They have therefore forfeited their right to appeal Judge Morris’s findings. *See Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). There is no clear error in the report.

Accordingly, it is **ORDERED** that Judge Morris’s Report and Recommendation, ECF No. 13, is **ADOPTED**, that Defendant’s Motion to Dismiss, ECF No. 4, is **GRANTED**, and that the above-captioned case is **DISMISSED WITHOUT PREJUDICE**.

**This is a final order and closes the above-captioned case.**

Dated: March 22, 2023

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge